

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

KALAMATA CAPITAL, LLC,

Plaintiff,

v.

BCMS PARTNERS, LP d/b/a RIOUX  
CAPITAL,

Defendant.

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Civil Action No. PX 16-532

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**MEMORANDUM OPINION**

Pending and ready for resolution is a Motion to Stay filed by Defendant BCMS Partners, LP d/b/a Rioux Capital (“Rioux Capital”). ECF No. 19. The relevant issues have been fully briefed and the court now rules pursuant to Local Rule 105.6 because no hearing is necessary.

These parties are in a contract dispute that has spawned litigation in both Texas and Maryland. On January 26, 2016, Rioux Capital brought a declaratory judgment action in Texas state court seeking a declaration that it did not breach the contract executed by Rioux Capital and Kalamata Capital (“Kalamata”) in 2014. Kalamata successfully removed that case to the United States District Court for the Western District of Texas. It then filed a complaint against Rioux Capital in this Court, alleging breach of contract.

On March 4, 2016, Kalamata moved to dismiss the first-filed Texas action as an improper anticipatory declaratory judgment action in favor of the second-filed Maryland action brought by Kalamata. Def.’s Mot. Dismiss, ECF No. 4, *BCMS Partners, LP d/b/a Rioux Capital v. Kalamata Capital, LLC*, No. 1:16-cv-00241-LY (W.D. Tex. July 18, 2016). Rioux Capital then moved to stay the action before this Court, arguing that the Maryland case should wait until the Texas court ruled on the Motion to Dismiss. ECF No. 19.

On July 18, 2016, the Western District of Texas adopted the magistrate judge Mark Lane's Report and Recommendation granting the Motion to Dismiss and dismissing Rioux Capital's Texas action without prejudice in favor of the action before this Court. *See BCMS Partners, LP d/b/a Rioux Capital v. Kalamata Capital, LLC*, No. 1:16-cv-00241-LY (W.D. Tex. July 18, 2016). *See also* ECF No. 22. Rioux Capital only requested a stay until the Texas court decided the Motion to Dismiss. ECF No. 19-1 at 4. Accordingly, Rioux Capital's motion will be DENIED as moot. A separate order will follow.

7/21/2016  
Date

/S/  
PAULA XINIS  
United States District Judge